REMARKS

In response to the Office Action mailed on September 7, 2007, the Applicants respectfully request reconsideration in view of the following remarks. In the present application, claims 1, 13, and 22 have been amended. No new matter has been added.

Claims 1-22 remain pending in the application. In the Office Action:

1. The specification is objected to;
2. The drawings are objected to;
3. Claims 1, 2, 5, 6, 9-15, and 18-22 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ashton et al. (U.S. Patent No. 6,181,679, hereinafter "Ashton");
4. Claims 3, 4, 7, 8, 16, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ashton in view Chen et al. (U.S. Patent Pub. No. 2005/0013242, hereinafter "Chen"); and
5. Claims 1-22 are provisionally rejected under the judicially created doctrine of non-statutory double patenting.

Specification Objections

In the Office Action, the specification is objected to for because of informalities. In response, the specification has been amended as suggested by the Examiner. Therefore, it is respectfully submitted that the objection to the abstract and specification be withdrawn.

Drawing Objections

In the Office Action, the drawings are objected to for not showing every feature of the invention specified in the claims. In particular, the Office Action states the DLCIs, VPI/VCI, PVCs and SVCs must be shown or the feature(s) canceled from the claim(s). In response, Applicants respectfully traverse this objection.

It is respectfully submitted that those skilled in the art will appreciate that in frame relay networks, DLCIs are 10-bit address fields contained in a header of each data frame and contain identifying information for a logical circuit as well as information relating to a destination of the data in the frame and service parameters for handling network congestion. VPI/VCIs are similar address fields for ATM networks. See Specification, page 8, lines 16-30. Figure 1 shows a data

network which, as described in the Specification on page 6, lines 27-28, may be a frame relay network or an ATM network and which may utilize DLCIs or VPI/VCIs to identify the logical circuits shown therein. Thus, it is respectfully submitted that the data network shown in Figure 1 also inherently shows DLCIs and VPI/VCIs since these address fields are inherent with respect to frame relay and ATM networks.

Figure 1 shows a data network which, as described in the Specification on page 9, lines 15-22, includes a logical circuit which may be either a PVC or an SVC. The logical circuit in Figure 1 may include the variable communication path within the LATA 5 and a fixed communication path (i.e., the logical connection 102) between the LATA 5 and the IEC 10. Thus, it is respectfully submitted that the data network of Figure 1 inherently shows a PVC or an SVC since, as described in the Specification, the logical circuit shown therein may be either of these circuit types.

Based on the foregoing, it is respectfully submitted that the objection to the drawings be withdrawn.

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Claim Rejections - 35 U.S.C. §102

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Claims 1, 2, 5, 6, 9-15, and 18-22 are rejected as being anticipated by Ashton. The rejection of these claims is respectfully traversed.

Amended claim 1 specifies a method for fail-safe renaming of logical circuit identifiers for rerouted logical circuits in a data network. The method includes providing a network management module for renaming a first logical circuit identifier for a first logical circuit in the data network to a second logical circuit identifier for a second logical circuit utilized for rerouting data from the first logical circuit in the data network; and renaming a logical circuit label for the first logical circuit in a logical element module in communication with the network

management module, wherein the renamed logical circuit label is utilized to indicate that the logical circuit data from the first logical circuit has been rerouted, and wherein the renamed logical circuit label includes the status of the failed logical circuit and indicates that the logical circuit identified by a customer ID for communicating data between a first and second location has been rerouted.

It is respectfully submitted that Ashton fails to teach or suggest each and every feature specified in amended claim 1. For example, Ashton fails to teach wherein the renamed logical circuit label includes the status of the failed logical circuit and indicates that the logical circuit identified by a customer ID for communicating data between a first and second location has been rerouted.

In contrast, Ashton merely discloses the assignment of substitute virtual circuit segments. For example, substitute segments are used to implement redundant or alternate routes between data terminal equipment (DTE). See col. 7, lines 50-52. In Ashton, a substitute connection can be defined through frame handler 259 from subport M of port 251 to subport R of port 264, and another substitute connection 262 defined trough frame handler 259 from subport P of port 252 to subport O of port 263. See cold. 7, lines 62-66 and FIG. 3. In addition, in Ashton, the substitute virtual circuit segments are defined at the time the normal virtual circuit is defined to provide for rerouting traffic. See col. 8, lines 2-4. In other words, Ashton provides substitute connections defined when a virtual circuit is defined to reroute data. Consequently, Ashton fails to teach a renamed logical circuit label utilized to indicate that logical circuit data from a first logical circuit has been rerouted and wherein the renamed logical circuit label includes the status of the failed logical circuit.

Furthermore, the Office Action states renaming is implied as a substitute would take over the current name of the identifier. See Office Action page 14, lines 5-6. Applicants respectfully disagree. Substitution implies to take the place of another and rename implies to change names. In Ashton, a substitute virtual circuit segment takes the place of the normal virtual circuit and there is not disclosure indicating the substitute virtual circuit segment is renamed. Thus, based on the foregoing, amended claim 1 is allowable over Ashton and the rejection of this claim should be withdrawn.

Claims 2-12 depend from amended claim 1, and are thus allowable for at least the same reasons. Therefore, the rejection of these claims should also be withdrawn.

Amended independent claims 13 and 22 each specify similar features as amended claim 1 and thus are allowable over Ashton for at least the same reasons. Based on the foregoing, the Ashton fails to teach, disclose, or suggest each of the features specified in claims 13 and 22. Therefore, claims 13 and 22 are allowable and the rejection of this claim should be also withdrawn. Therefore, the rejection of these claims should also be withdrawn.

Claims 14-21 depend from amended claim 13, and are thus allowable for at least the same reasons. Therefore, the rejection of these claims should also be withdrawn.

Claim Rejections - 35 U.S.C. §103

Claims 3, 4, 7, 8, 16, and 17 are rejected as being unpatentable over Ashton in view of Chen. The rejection of these claims is respectfully traversed.

Claims 3, 4, 7, and 8 depend from amended claim 1 and claims 16 and 17 depend from amended claim 13 and are thus allowable for at least the same reasons. As stated above Ashton fails to teach or disclose a renamed logical circuit label utilized to indicate that logical circuit data from a first logical circuit has been rerouted and wherein the renamed logical circuit label

includes the status of the failed logical circuit. In addition, Chen fails to overcome Ashton's deficiencies. For example, Chens uses alternate paths that are overlapping and therefore they are used as an alternate path for multiple devices and cannot be unused when needed as a failover circuit. See paragraphs [0033] and [0035]. Therefore, the rejection of these claims should also be withdrawn.

Claim Rejections – Non-Statutory Double Patenting

In the Office Action, claims 1 and 3-12 are provisionally rejected under nonstatutory double patenting as being unpatentable over claims in co-pending Application No. 10/745,047. In addition, the Office Action, claims 2 and 13-22 are provisionally rejected under nonstatutory double patenting as being unpatentable over claims in co-pending Application No. 10/745,047 in view of co-pending Application No. 10/745,117. The Examiner has stated that a timely filed Terminal Disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome this rejection. Applicants respectfully request that the Examiner hold this rejection in abeyance until allowable subject matter has been indicated.

Conclusion

In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicants' attorney at the number listed below.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,

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